

ESTTA Tracking number: **ESTTA229089**

Filing date: **08/07/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92048260
Party	Plaintiff Family Clubhouse, Incorporated d/b/a i play
Correspondence Address	Steven C. Schnedler Carter & Schnedler, P.A. P.O. Box 2985 Asheville, NC 28802 UNITED STATES schnedler@ashevillepatent.com
Submission	Plaintiff's Notice of Taking Testimony
Filer's Name	Steven C. Schnedler
Filer's e-mail	schnedler@ashevillepatent.com
Signature	/Steven C. Schnedler/
Date	08/07/2008
Attachments	Notice_of_Taking_Testimony.pdf (3 pages)(70868 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

i play. inc. (change of name)	
from FAMILY CLUBHOUSE,)	
INCORPORATED d/b/a i play),)	
a North Carolina corporation,)	
)	Cancellation No. 92048260
Cancellation)	
Petitioner,)	
)	
v.)	Registration No. 2,923,675
)	International Class 28
INTERNATIONAL PLAYTHINGS, INC.,)	
a Delaware corporation,)	
)	
Registrant.)	

Asheville, North Carolina
August 7, 2008

NOTICE OF TAKING TESTIMONY

Please take notice that testimony will be taken on behalf of the Cancellation Petitioner, i play. inc., in the above captioned proceeding commencing at 12:00 P.M. (noon) on Wednesday, August 20, 2008, at the offices of Carter & Schnedler, P.A., 56 Central Avenue, Suite 101, Asheville, North Carolina 28801.

Witnesses who will be examined are an employee or employees of i play. inc. who will testify regarding issues in the case, including Petitioner's use of the mark I PLAY on its products, and evidence of actual confusion. At least Becky Cannon, (c/o i play. inc., 2000 Riverside Drive, Unit 9,

Cancellation No. 92048260

Asheville, North Carolina 28804) will be examined. Identities of any additional witnesses will be provided when they have been determined.

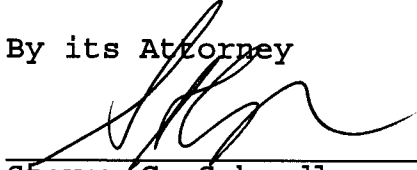
The testimony will be continued from day-to-day until completed. You are invited to attend and cross-examine.

This Notice follows an email exchange July 23-25, 2008 between the undersigned and Paul H. Kochanski, as well as a telephone discussion July 29, 2008.

Respectfully submitted,

i play. inc.
(by change of name from FAMILY
CLUBHOUSE, INCORPORATED d/b/a i play)

By its Attorney



Steven C. Schnedler

Carter & Schnedler, P.A.
56 Central Avenue, Suite 101 (28801)
P.O. Box 2985
Asheville, NC 28802
Telephone: (828) 252-6225
Email: schnedler@ashevillepatent.com

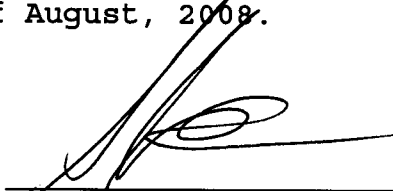
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CERTIFICATE OF SERVICE

I hereby certify that the paper titled NOTICE OF TAKING TESTIMONY has been served upon Registrant's Attorney of Record by depositing a copy thereof in First Class Mail, postage prepaid and properly addressed as follows:

Paul H. Kochanski
Lerner David Littenberg Krumholz & Mentlik, LLP
600 South Avenue West, Suite 300
Westfield, NJ 07090

This, the 7th day of August, 2008.



Steven C. Schnedler
Attorney for Cancellation Petitioner

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